

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 18-00309-01-CR-W-DGK
)	
JAMES SAMUELS,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE
WITH SUGGESTIONS

COMES NOW the defendant, James Samuels, by and through his counsel, Allison M. English, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on February 10, 2020.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On February 1, 2018, the defendant was charged by criminal complaint with violations of 18 U.S.C. §§ 922(d)(1), 924(a)(2) and (h).
2. On October 5, 2018, the Federal Public Defender and her assistants were appointed to represent Mr. Samuels.
3. On October 11, 2018, defendant appeared before the Honorable Lajuana M. Counts, United States Magistrate Judge, for detention and preliminary hearings.

4. On October 24, 2018, the defendant was charged by indictment with violations of 18 U.S.C. §§ 371, 924(a)(1)(A), 922(a)(1)(A), (d)(1), 923(a), 924(a)(1)(D), (a)(2), and (h).

5. On November 1, 2018, defendant appeared before the Honorable Lajuana M. Counts, United States Magistrate Judge, for an initial appearance and arraignment.

6. Additional time is necessary to complete investigation and discussions in an attempt to resolve this matter short of trial since defendant's current counsel replaced defendant's original counsel.

7. Bradley Kavanaugh, Assistant United States Attorney, does not have any objections to this continuance request. Mr. Samuels does not object to this continuance request.

8. The continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

9. Under the provisions of 18 U.S.C. §3161(h)(7)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, James Samuels, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the

Accelerated Joint Criminal Trial Docket scheduled to commence September 23, 2019, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence February 10, 2020.

Respectfully submitted,

/s/Todd M. Schultz
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that one copy of the foregoing motion was electronically filed and sent to Bradley Kavanaugh, Assistant United States Attorney, this 26th day of August, 2019.

/s/Todd M. Schultz
TODD M. SCHULTZ